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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/251,403	02/17/1999	MASAHITO NIIKAWA	013227-049	3197

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EXAMINER	
FLETCHER, JAMES A	
ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/251,403	NIIKAWA ET AL.	
	Examiner	Art Unit	
	James A. Fletcher	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 4-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 28 April 2004 have been fully considered but they are not persuasive.

In re page 13, applicant's representative states "Noting in Ichimura shows, teaches or suggests compressing an image rather than deleting an image when the deletion of the image is directed as claimed in claims 1 and 4. Rather, Ichimura merely disclosed a thinning compression process where only the leading frame is retained while the remaining frames are the deleted."

The examiner respectfully disagrees. Claim 1, as written, voids the deletion direction of the deletion direction member, and therefore the function of the claimed deletion direction member becomes a compression direction member instead. The invention of claims 1 and 4 simply appears to be a redirecting of a previously existing deletion function to a compression function. Such compression functions are known and are cited in prior office actions.

Further, the examiner notes that without a mechanism for deleting data, additional storage space cannot be freed up, and therefore any claimed deletion of data would be considered inherent based on the reference.

In re page 14, applicant's representative states, "Nothing in Ichimura shows, teaches or suggests changing a compression rate based upon rank data for an image as claimed in claims 5 and 8. Rather, Ichimura merely discloses dynamically changing the compression ration of an image."

The examiner respectfully disagrees. Ichimura clearly shows rank data used to determine the compression ratio as shown in Col 5, lines 28-32. The amendment of changing the words "evaluation value" to "rank data" does not change the meaning of the claim in any patentably distinct manner that the examiner can discern.

Further in re page 14, applicant's representative states, "Nothing in Ichimura shows, teaches or suggests a) setting up rank value based upon processing to be executed for an image and b) lowering the rank value when no processing command is given for a predetermined time as claimed in claims 10 and 12. Rather, Ichimura merely discloses a condition-matching interval."

The examiner respectfully disagrees. The ranking of images has already been analyzed and discussed in previous office actions. Ichimura also clearly discloses the lowering of the rank value when no processing command is given for a predetermined time. Ichimura checks for an elapsed time after the data have been recorded in order to determine if the data should be selected for recompression. Please see Col 17, lines 61-66.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 2, and 4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Figure 19, which appears to be the support for the recompression of images that have fallen to a ranking requiring recompression, makes no note of a deletion directing member causing the compression function instead of a deletion function.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 and 4-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ichimura (6,188,831).

Regarding claims 1 and 4, Ichimura discloses an image processing device and method for processing images which are recorded in a recording medium (Col 5, lines 23-26 "the data storage apparatus includes a compression device for reading and compressing the time-series data which is stored") comprising:

- an indicator which commands a processing to be executed for the image (Col 13, lines 61-63 "a compression trigger timing signal that is the impetus for starting the...compression of the image data");
- a controller which sets up rank data in accordance with the processing commanded by the indicator (Col 18, lines 52-55 "data...are compressed when the level of importance is low [such as when a preset time has elapsed

since the data was stored]" This determination of the oldest records having the lowest importance is a ranking data);

- a deletion directional member which directs to delete the image recorded in the image recording medium (Col 18, lines 52-57 "data...are compressed...so as to form empty capacity in the memory of the time-series data storing section");
- a compressor which compresses the image instead of deleting the image when the deletion directional member directs to delete the image (Col 18, lines 52-55 "data...are compressed when the level of importance is low [such as when a preset time has elapsed since the data was stored]"); and
- a recorder which stores the compressed image (Col 18, lines 56-57 "Time-series data storing section").

Regarding claim 2, Ichimura discloses an image processing device wherein the compressor alters a compression rate of the image based on the data (Col 5, lines 28-30 "the time-series data in other intervals are compressed by a different compression rate or a compression system based on the correspondence-relationship").

Further regarding claim 2, if the original data is not deleted after recompression, no storage space is gained. The function of erasing data in order to free up storage space is considered an inherent requirement of any device attempting to gain storage space by compressing existing data.

Regarding claims 5, 8, 10, and 12, Ichimura discloses a device and method for processing images which are recorded in a recording medium comprising:

- an indicator which commands a processing to be executed for the image (Col 19, lines 17-18 "the compression process start request is generated");
- a recorder which records a time when the indicator commands a processing (Col 17, lines 50 "The time data storing section");
- a timer which measures an elapsed time since the time of the processing (Col 17, lines 61-66 "the time data storing section outputs the compression start command...after the audio data and the image data have been recorded in the time-series data storing section has reached a preset time"); and
- a controller which changes a compression rate, which is set in accordance with rank data for the image based on an output from the timer (Col 18, lines 52-55 "data...are compressed when the level of importance is low [such as when a preset time has elapsed since the data was stored]" and Col 24, lines 33-38 "during compression of the image data...the compression ratio...is dynamically changed").

Regarding claim 6, Ichimura discloses an image processing device comprising:

- a detector which detects that the indicator gives no command for a predetermined time or more based on the output from the timer (Col 17, lines 61-66 "the time data storing section outputs the compression process start command...when the elapsed time...after the audio data and image data have been recorded in the time-series data storing section has reached a preset time"); and

- the controller which controls so as to increase the compression rate based on the output from the detector (Col 24, lines 33-38 "during compression of the image data...the compression ratio...is dynamically changed").

Regarding claim 7, Ichimura discloses an image processing device wherein the controller sets up lower evaluation value for the image when the indicator gives no command for a predetermined time or more based on the output from the timer (Col 17, lines 61-66 "the time data storing section outputs the compression process start command...when the elapsed time...after the audio data and image data have been recorded in the time-series data storing section has reached a preset time").

Regarding claim 9, Ichimura discloses an image processing method further comprising a step of setting up a higher compression rate when it is detected that no command is given for a predetermined time or more (Col 17, lines 61-66 "the time data storing section outputs the compression process start command...when the elapsed time...after the audio data and image data have been recorded in the time-series data storing section has reached a preset time" and Col 24, lines 33-38 "during compression of the image data...the compression ratio...is dynamically changed").

Regarding claims 11 and 13, Ichimura discloses an image processing method and device wherein the rank value is set up in accordance with the command from the indicator (Col 17, lines 61-66 "the time data storing section outputs the compression process start command...when the elapsed time...after the audio data and image data have been recorded in the time-series data storing section has reached a preset time").

Allowable Subject Matter

6. Claims 14-18 are allowed for the reasons of record.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached at (703) 308-9644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF
July 12, 2004

VINCENT BOCCIO
PRIMARY EXAMINER